



US Army Corps
of Engineers®

PUBLIC NOTICE

Published: October 2, 2025
Expires: November 3, 2025

Charleston District Proposed Reissuance of SAC Regional General Permit RGP-01 Emergency Beach Nourishment

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344), the Charleston District of the U.S. Army Corps of Engineers (Corps), proposes to re-issue Regional General Permit (RGP) SAC# 2020-01 Emergency Beach Nourishment. This RGP would be issued to the General Public to authorize the excavation and discharge of material waterward of the high tide line (HTL) for Emergency Ocean Front Beach Nourishment activities for private, commercial, and public uses, specifically within those waters of the Atlantic Ocean, within the State of South Carolina.

The proposed RGP, if reissued, will be effective for a period of five (5) years.

The purpose of this public notice is to solicit comments from the public regarding the work described below:

WATERWAY AND LOCATION: The proposed RGP would affect navigable waters of the United States associated with the Atlantic Ocean within the regulatory jurisdiction of the Charleston District Corps, occurring within six (6) of the coastal counties of South Carolina (Horry, Georgetown, Charleston, Beaufort, Jasper, and Colleton).

***NOTE: A copy of the draft Regional General Permit is attached to this Public Notice and contains the general and special conditions of the proposed authorization.**

PROJECT PURPOSE:

The purpose of the RGP is to expedite the review of specific emergency beach nourishment activities that are similar in nature and cause only minimal individual and cumulative impacts, within the Coastal Zone areas of Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper Counties in South Carolina. This RGP would improve permit efficiency, predictability and customer service while ensuring the regulations under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act are being met in emergency beach nourishment situations.

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES:

WATER QUALITY: This is a request to SCDES, as the certifying authority for 401 Water Quality Certification (401 WQC), to evaluate whether the proposed beach nourishment

activities subject to the RGP will comply with applicable water quality requirements in accordance with Clean Water Act section 401 (33 U.S.C. § 1341) and 40 CFR Part 121.

COASTAL ZONE: The work proposed in this RGP must also be certified by SCDES as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930).

STATE NAVIGABLE WATERS: These activities may also require evaluation by SCDES for compliance with the S.C. Construction in Navigable Waters Permit Program.

For questions regarding SCDES permitting procedures, please visit

<https://des.sc.gov/permits-regulations/permit-central>.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places (NRHP) and initially determines that there will be no adverse effect on historic properties. Provisions have been made in the form of general conditions to the proposed General Permit, which should prevent any adverse effects to cultural resources. To ensure that historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office (SHPO) and any other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence from the SHPO (and/or Tribal Historic Preservation Officer (THPO)).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties.

ENDANGERED SPECIES: Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended) the District Engineer has consulted the most recently available information and has determined that the proposed General Permit is not likely to adversely affect any federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat within the regulatory jurisdiction of U.S. Fish and Wildlife Service. Provisions have been made in the form of special and general conditions to the proposed General Permit, which should ensure activities covered under the proposed General Permit would have no effect on federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat within the regulatory jurisdiction of the National Marine Fisheries Service. This public notice

serves as a request for written request to the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be affected by the proposed General Permit, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, this notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed action would impact estuarine substrates and/or emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

NAVIGATION: The activities authorized by this RGP may be located in the vicinity of a federal navigation channel possibly requiring coordination with the Corps' Navigation Section and U.S. Coast Guard.

SECTION 408: Any improvement, construction or excavation within the footprint of a Federal CSR project that will be constructed over, under, or through beach fill or another protective project feature may in addition to authorization under this General Permit require prior approval of the District Commander under 33 USC 408. Such approval may be included in any written verification of authorization in response to a PCN.

EVALUATION: The decision whether to reissue the proposed RGPs will be based on an evaluation of the probable impact the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Charleston District will receive written comments on the proposed work, as outlined above, until November 3, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Megan Jackson at Megan.N.Jackson@usace.army.mil. Alternatively, you may submit comments in writing to the District Engineer, U.S. Army Corps of Engineers, Charleston District, Attention: Megan Jackson, 1949 Industrial Park Road Room 140 Conway, South Carolina 29526. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

General Permit No.: SAC-RGP- 01
Name of Permittee: GENERAL PUBLIC
Effective Date: TBD
Expiration Date: TBD

**DEPARTMENT OF THE ARMY
GENERAL PERMIT**

A Regional General Permit to authorize the discharge of dredged or fill material into waters of the United States pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and to place structures and/or perform work in or affecting navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), upon the recommendation of the Chief of Engineers, is hereby issued by the authority of the Secretary of the Army by the

District Engineer
U.S. Army Corps of Engineers
Charleston District
69 A Hagood Avenue
Charleston, South Carolina 29403-5107

for the excavation and discharge of material waterward of the high tide line (HTL) for Emergency Ocean Front Beach Nourishment activities for private, commercial, and public uses, specifically within those waters of the Atlantic Ocean, within the State of South Carolina, subject to special and general conditions, and for the purpose of providing immediate erosion relief, in the form of beach restoration, to eroded areas threatening inhabited structures or developed properties.

I. SPECIAL NOTES FOR USE OF THIS REGIONAL GENERAL PERMIT FOR CERTAIN ACTIVITIES:

A. The work authorized by this regional general permit includes, to the extent separate authorization is necessary, implementation of local cooperation requirements and the operation, maintenance, repair, replacement and rehabilitation (OMRR&R) activities associated with the Federal shore protection project. It also includes and is otherwise limited to emergency situations requiring immediate remedial action to provide temporary erosion relief. An emergency situation exists when there is an imminent threat to public health and safety or the environment, an unacceptable hazard to life, or which would result in significant loss of property. In such cases, this permit is intended for use after discrete events causing excessive erosion and for one-time use per event per property being protected. This permit does not authorize continuing or reoccurring beach nourishment work or beach maintenance other than that ancillary to the Federal project. Persons or entities planning to do ocean front beach nourishment activities on a regular basis should apply for a standard individual permit. These re-occurring activities will be evaluated under the standard individual permit review process as specified in 33 CFR 325.

B. The work authorized by this regional permit includes the carrying-out of local cooperation requirements and OMRR&R activities for an authorized Federal coastal storm risk management (CSR) project, to the extent that any additional authorization is necessary, is covered by this general permit. These activities are those required by the Local Cooperation Agreement (LCA),

O&M Manual, or study and authorization documents for the Federal project. **When carried out by or at the direction of the non-federal sponsor for the project, a Pre-Construction Notice (PCN) prior to commencement of these activities is not required.** The filling-in of erosional areas landward of the Federal project which have been identified by the Corps as necessary for the function and integrity of the project and/or project environmental concerns is included, provided the filling is with beach quality, compatible sand and is stabilized with fencing and vegetation as required by the Corps. Activities carried out under this paragraph are not subject to the General Conditions which follow but shall be evaluated for compliance purposes with reference to the Federal project documents.

II. AUTHORIZED ACTIVITIES AND SPECIAL CONDITIONS

A. The following activities are authorized by this General Permit **provided a PCN is submitted prior to commencement of any work**, and subject to the special conditions which follow:

1. Mechanical excavation/sand scraping is only authorized between the HTL and mean low water (MLW) contours in non-vegetated beach areas. The depth of excavation shall not exceed two (2) feet. The permittee shall make every effort to contour and shape the excavated area such that the average depth decreases with proximity to the shoreline.
2. Mechanical excavation/sand scraping is limited to the area directly in front of the property being protected, within the extended property lines of the subject property, and landward of MLW.
3. Hydraulic excavation is not authorized.
4. This General Permit does not authorize the excavation of shoals or sand bars.
5. All excavation and filling activities shall be conducted during low tides.
6. Any material utilized for beach nourishment activities must be compatible with the soils in the nourished area.
7. Sand scraping/excavation is only authorized for the purpose of obtaining material to be placed along the shoreline for erosion relief. The excavation of material for placement behind bulkheads, seawalls, or other man-made structures is not authorized.
8. Emergency beach nourishment activities occurring waterward of the HTL must commence, or be under contract to commence, within 180 days of the date of the destruction or damage from a discrete event. In cases of catastrophic events such as hurricanes or tornados, this 180-day limit may be waived by the District Engineer, provided the permittee can demonstrate funding, contract, or similar delays.
9. Emergency beach nourishment activities occurring waterward of the HTL on individual parcels must be completed within two (2) weeks of commencement of the work. This Two (2) week limitation may be waived by the Corps upon request for a coordinated effort addressing multiple parcels in sequential fashion.
10. For protection against further erosion, beach compatible fill and/or excavated material may be deposited along the eroded shoreline for restoration of the beach and

sand dunes. Vegetation and sand fencing may be used to stabilize deposited material, in accordance with SCDES-BCM "How to Build a Dune"

(https://des.sc.gov/sites/des/files/docs/HomeAndEnvironment/Docs/dunes_howto.pdf).

Vegetation must be native species typical of natural beach and dune ecosystems. A list of species proposed for stabilization must be submitted to this office for approval prior to planting. Sand fencing must be biodegradable and installed in a manner so as not to impede turtle nesting. Should the fences be found to impact nesting activities or have the potential to impact nesting activities, sand fencing must be moved or removed entirely. Fencing must have openings between sections that are at least 5 feet wide and sections must be removed if they do not function to trap sand and establish sand dunes. The fencing must be installed in a manner that will not impede public access and damaged fence material must be removed from the beach by the property owner.

11. Temporary placement of sandbags waterward of the HTL for emergency erosion relief is authorized, provided the work is conducted in accordance with a valid South Carolina Department of Environmental Services- Bureau of Coastal Management (SCDES-BCM) Emergency Order (EO) authorization, the bags are placed no farther seaward than necessary to protect existing inhabited structures or developed properties, and sandbags are removed prior to any beach nourishment activities (i.e. Sandbags may not be buried by emergency beach nourishment activities).

12. In an effort to minimize disturbance to sea turtles, migrating shorebirds (particularly the piping plover and the red knot), and nesting birds, to the maximum extent practicable emergency beach nourishment activities should be conducted **between November 1 and February 28**. Activities proposed outside this window, require project specific consultation with the U.S. Fish and Wildlife Service (USFWS) and the Corps must be able to make a case-specific determination, with written concurrence from USFWS, that the work is not likely to adversely affect threatened or endangered species or their critical habitat before verification of the proposed work can be issued. The Corps may require the permittee to comply with project specific conditions to ensure that authorized work does not adversely affect threatened or endangered species or their critical habitat.

13. If work is authorized between May 1 and October 31, the permittee is required to coordinate with the DNR Marine Turtle Conservation Program (MTCP) and Nest Protection Project Leaders (NPPL) for the length of the project. NPPL must be consulted each morning prior to any work being performed on the beach. In the event a nest is disturbed during construction and/or an adult turtle is encountered, all work should cease and the MTCP should be contacted immediately. The MTCP contact is Michelle Pate who can be reached at 843-953-9052 (office) or 843-384-0605 (cell). For activities proposed within this window, the Corps will also consult with the S.C. Department of Natural Resources (SCDNR). The Corps may require the permittee to comply with specific conditions to ensure that authorized work does not adversely affect nesting sea turtles.

14. **A Pre-Construction Notice (PCN) must be submitted prior to commencement of any beach nourishment project/event. Work shall not commence until a written verification of authorization is received from this office.** The PCN can be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> . The following information must be submitted to the Charleston District Engineer in order to fulfill requirements of the PCN:

- (i) Completed "Preconstruction Notification (PCN) (ENG 6082)"
- (ii) Plans for the proposed work. Plans should include a location map, a plan view, and a cross section. The plan view should show the areas where sand scraping/excavation will occur and the areas where the sand will be deposited. The proposed work must be shown by dot-shading, cross-hatching or other clear means of identification. The cross-sectional diagrams should indicate the depth to which sand will be scraped and the depth to which sand will be deposited. The HTL and MLW elevations must be depicted on the plans.
- (iii) Identification of the discrete event causing the damage/destruction and justification that an emergency situation exists (i.e. a statement that there is an imminent threat to public health and safety or the environment, an unacceptable hazard to life, or potential for significant loss of property.)
- (iv) Statement that the work will be conducted in compliance with the terms and conditions of this General Permit

III. GENERAL CONDITIONS:

A. This General Permit authorizes only those activities specifically addressed herein. The permittee must obtain Department of the Army authorization, such as the issuance of an individual permit, for all other activities that are regulated pursuant to Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act within waters of the United States.

B. All activities identified and authorized herein shall be consistent with the terms and conditions of this General Permit; any variance not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit and may result in the modification, suspension, or revocation of the authorization, as set forth more specifically in General Condition F. below and in the institution of such legal proceedings as the United States Government may consider appropriate.

C. The permittee must make every reasonable effort to conduct the work authorized herein in a manner so as to minimize any adverse impact to fish, wildlife, and other environmental resources.

D. The permittee must make every reasonable effort to conduct the work authorized herein in a manner so as to avoid and minimize any degradation of water quality.

E. The permittee shall allow the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

F. Authorization of a specific work authorized herein may be summarily suspended in whole or in part upon a finding by the District Engineer that immediate suspension would be in the general public interest or there has been a violation of any terms or conditions of this permit. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by a permittee which are deemed necessary by

the District Engineer to abate imminent hazards to the general public interest. A permittee shall take immediate action to comply with the provisions of this notice. Within ten (10) days following the receipt of this notice of suspension, the permittee may request a meeting with the District Engineer or a public hearing to present information relevant to a decision whether their permit should be reinstated, modified, or revoked. If a public hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the public hearing or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the authorization of the specific work or structure will be reinstated, modified, or revoked. Any modification, suspension, or revocation of authorization under this General Permit shall not be the basis for any claim for damages against the United States.

G. Upon receipt of a notice from the District Engineer for failure to comply with the terms, conditions, or standards of this General Permit, the owner or person responsible for the work must within sixty (60) days, without expense to the United States and in such manner as directed by the District Engineer or his authorized representative(s), effect compliance with the terms, conditions, and standards or restore the site to pre-construction contours.

H. This General Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws, nor does it obviate the requirement to obtain other Federal, State, or local assent or to comply with any applicable standards required by ordinance for the activities authorized herein. Other Federal, State, or local agencies are not limited by this document and may impose more stringent requirements than those stated herein as they see fit.

I. Any activity that may affect any federally listed threatened or endangered species, a species proposed for listing, or designated critical habitat is NOT authorized by this General Permit unless project-specific consultation with USFWS and/or NMFS has occurred, it is determined that the activity is not likely to adversely affect species or their critical habitat, and project-specific verification has been issued by the Corps. Otherwise, these activities will be evaluated under the individual permit review process as specified in 33 CFR 325.

J. Historic Properties.

1. Non-federal prospective permittees must submit a Pre-Construction Notice (PCN) to the District Engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the PCN must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places. Based on the information submitted and these efforts, the District Engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the District Engineer

either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

2. The District Engineer will notify the prospective permittee within 60 days of receipt of a complete PCN whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties. If NHPA section 106 consultation is required and will occur, the District Engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 60 days, the applicant must still wait for notification from the Corps.
3. Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. For activities involving federal permittees federal permittees must provide the District Engineer with the appropriate documentation to demonstrate compliance with those requirements. The District Engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the proposed activity, or whether additional section 106 consultation is necessary.
4. Prospective permittees of this General Permit should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, the State Historic Preservation Office (SHPO), appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

K. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this General Permit, you must immediately notify the District Engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The District Engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. Archeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or non-recent (i.e., older than 100 years) vessel ruins.

L. The permittee must notify the District Engineer and the South Carolina Institute of Archaeology and Anthropology (SCIAA) in accordance with the South Carolina Underwater

Antiquities Act of 1991 (Article 5, Chapter 7, Title 54 Code of Laws of South Carolina, 1976) in the event archaeological or paleontological remains are found during the course of the work. Archaeological remains consist of any materials made or altered by man which remains from the past historic or prehistoric times (i.e. older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools human, burials, historic docks, structures or non-recent (i.e. older than 100 years) vessel ruins. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusk, bone or entire skeletons. SCIAA Maritime Research Division (MRD) can be reached at 803-576-6565.

M. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to restore the site completely to pre-construction conditions, without expense to the United States. No claim shall be made against the United States on account of any such work.

N. The Charleston District Engineer, at their discretion, may determine that this General Permit will not be applicable to a specific construction proposal. In such case, the procedure for processing an individual permit in accordance with 33 CFR 325 will be available.

O. A copy of the project-specific authorization and drawings must be available at the site of the permitted activity during construction.

P. Any improvement, construction or excavation within the footprint of a Federal CSR project that will be constructed over, under, or through beach fill or another protective project feature may in addition to authorization under this General Permit require prior approval of the District Commander under 33 USC 408. Such approval may be included in any written verification of authorization in response to a PCN.

IV. PROHIBITED ACTIVITIES:

All work that exceeds the terms and conditions specified herein is prohibited unless an Individual Department of the Army Permit or Nationwide Permit authorization has been obtained from the Corps. All work for purposes other than those specified herein is expressly not authorized by this document.

V. REQUIRED AUTHORIZATIONS:

A. Prior to performing any of the work authorized herein the permittee shall obtain the necessary state permits from the South Carolina Department of Environmental Services, Bureau of Coastal Management and any other required Federal, State or local authorizations.

B. The permittee must comply with the conditions of the state Section 401 Water Quality Certification.

VI. PENALTIES FOR VIOLATIONS:

Authorization obtained under this General Permit limits the number of times this authorization can be used per site and places limits on the work authorized herein. Any deviation from the specifications, or other terms or conditions of the General Permit shall constitute a violation of

Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act and may result in the District Engineer seeking judicial relief to have the permittee remove the structure or work and/or restore the project area to its former condition, as well as the imposition of penalties as provided by law.

VII. LIMITS OF FEDERAL LIABILITY:

In issuing these permits, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the US in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

VIII. REVOCATION OF THE GENERAL PERMIT:

This permit may be revoked by issuance of a Public Notice at any time the District Engineer determines that the cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation, any future activities in areas covered by this General Permit will be processed as an Individual Department of the Army Permit or Nationwide Permit authorization.

IX. DURATION OF THE GENERAL PERMIT:

This General Permit will cover activities started within five (5) years and completed within six (6) years after the date of issuance unless this permit is revoked in the interim. At the end of the first year and every succeeding year, the Corps and the Federal and State regulatory and resource agencies will jointly review activities authorized by this General Permit to determine if significant cumulative impacts have resulted. If the District Engineer determines revocation of this permit, in whole or in part, may be in order due to cumulative impacts, a Public Notice of the intention will be issued and after a review of all additional data submitted, action will be taken to amend, modify or revoke this permit as appropriate. Revocation of the General Permit will not affect the work that had been authorized when the General Permit was in effect if such work is in accordance with the provisions contained herein.

This permit shall become effective on the date of the District Engineer's signature.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Todd A. Mainwaring, PE, PMP
Lieutenant Colonel, U.S. Army
Commander and District Engineer

Date

or his Designee

Chief, Regulatory Division

